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Chairman: Mr. Busacca ..... (Italy)

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The meeting was called to order at 10.15 a.m.

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(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action *(continued)* (A/52/36, A/52/182)

(e) Report of the United Nations High Commissioner for Human Rights *(continued)* (A/52/36, A/52/182)

1. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that democracy, development and respect for human rights were interdependent and reinforced each other. They played a crucial role in the realization of the main purposes of the Charter of the United Nations: peace, security and economic and social development. In keeping with the mandate that she had received from the General Assembly, she intended to be the moral defender of the victims of oppression, discrimination and exclusion, whatever the circumstances, and committed herself to anticipating potential serious violations of human rights and reacting to such violations.

2. The priority for her Office was to see the international norms contained in international human rights instruments put into practice at the national level and their implementation strengthened.

3. Human rights were one aspect of the work of the United Nations which directly affected all others. Thus, human rights were being integrated into the activities of the four main Executive Committees (peace and security, humanitarian affairs, economic and social affairs and operational activities for development) in which she participated, and of the Senior Management Group.

4. Inter-agency cooperation and coordination were essential in order to ensure a fully integrated approach to human rights throughout the United Nations system. Towards that end, the policies and recommendations of United Nations experts and the activities of agencies and programmes, including the World Bank and the International Monetary Fund (IMF) must be harmonized.

5. The United Nations had made substantial progress since the adoption of the Universal Declaration of Human Rights, but that must not mask the gravity of the remaining problems, nor should it be forgotten that a significant proportion of the world's population lived in absolute poverty. Fresh approaches were needed to support efforts by Governments to promote human rights, and the staff of the Office of the High Commissioner currently spent more time working in the field than at Headquarters.

6. Cooperation was essential in solving common global problems in human rights matters. She would do her best to ensure that her Office was perceived as representing the human rights aspirations and interests of all countries and to facilitate the dialogue on human rights without which no concrete results would be possible. Another of her priorities would be to ensure that women's human rights were recognized and protected, which would facilitate the solution of some of the most daunting economic and social problems.

7. After paying tribute to her predecessor, Mr. Ayala Lasso, she gave a brief overview of the impact of United Nations reform on the structure and functioning of the Office of the High Commissioner, emphasizing the importance of the right to development and economic, social and cultural rights. Her Office would do everything to make best use of available human and financial resources, bearing in mind, however, that any decisions in that area were the prerogative of States. The actions of the Office were aimed at mobilizing the commitment of Governments, international organizations, non-governmental organizations and public opinion to promote human rights and fundamental freedoms. In order to put past field experience to use in preparing for possible future emergencies, it was essential to establish a roster of qualified staff members who would be available for field work whenever necessary and to provide effective backstopping of field operations. Her Office had begun the

work of defining a *modus operandi* in that area that would be much more transparent, responsive and available to all its partners.

8. She intended to cooperate closely both with regional organizations in the implementation of technical cooperation projects in specific regions and with non-governmental organizations in implementing specific education and training projects.

9. One of the priorities of her Office would be to encourage Governments to promote human rights at the national level; they had the primary responsibility in that sphere, once international mechanisms were functioning. She paid tribute to the initiative of the Mexican Commission on Human Rights, which was organizing a fourth international workshop for national human rights institutions.

10. Human rights violations were increasing everywhere in the world and it was time to take action to put an end to impunity and seek justice for the victims, whether individuals or groups. The recent establishment of two ad hoc international tribunals represented some progress, which must be confirmed by the establishment of an international criminal court, whose statute would be adopted at the international conference to be held in Italy in June 1998.

11. In 1998, the fiftieth anniversary of the Universal Declaration of Human Rights would be observed, along with the five-year review of the implementation of the Vienna Declaration and Programme of Action. That would provide an opportunity to take stock of progress and reaffirm and update the commitments made in those basic texts.

12. All United Nations agencies were involved in human rights, even if they had not all adopted them as a basis for action and did not use the same technical language as the specialized bodies. Thus, 1998 would provide an excellent opportunity to show the world that the United Nations, in many ways, was attempting to strengthen human rights and improve the daily lives of all.

13. She reaffirmed the importance of economic, social and cultural rights and the right to development, which were indivisible from civil and political rights and should be defended with the same energy if the economic and social challenges of the future were to be met.

14. The rights of children, members of any type of minority, disabled persons and vulnerable groups must be protected, along with the rights of indigenous peoples, which the international community should support. Policies and programmes to eliminate racism and racial discrimination must be reinforced, and she hoped that human rights education would soon be introduced into primary schools.

15. The promotion of human rights would be impossible without international cooperation and consensus. She reaffirmed her openness to dialogue and her desire to carry out faithfully the mandate which had been entrusted to her. To that end, she would work to reinforce confidence in the activities of the Office of the High Commissioner, a global institution committed to the promotion and protection of human rights in all countries of the world in a fair, impartial and objective way.

16. The protection of human rights must not only advance the enjoyment of those rights, but also make an effective contribution to economic and social development, help to avoid humanitarian tragedies and suffering and ensure the welfare of individuals and nations alike.

17. **Mr. Mba Alo** (Gabon) said that he would welcome more information concerning the action that the Office of the High Commissioner would take to promote the right to development, and called on the High Commissioner to ensure equitable geographical distribution of senior posts within her Office, which had to reflect today's world.

18. **Mr. Fulci** (Italy) recalled that 191 countries had ratified the Convention on the Rights of the Child, although the United Nations had only 185 Member States, and suggested that the High Commissioner should endeavour to ensure that the two countries which had yet to ratify the Convention, particularly the United States of America, did so without delay. His delegation also wished to see wider publicity given to the Committee on the Rights of the Child and its activities, particularly since it was in the process of establishing a veritable *corpus juris* on children's rights. Finally, his delegation would like to know to what extent the Office of the High Commissioner was participating in the preparation of the statute of the future international criminal court.

19. **Mr. Reyes Rodríguez** (Cuba) said he agreed with the High Commissioner that the fiftieth anniversary of the Universal Declaration of Human Rights provided a good opportunity to evaluate the progress made, but it was also necessary to have a vision of the future, to make new commitments and to plan activities for the next millennium. With regard to the 5-year implementation review of the Vienna Declaration and Programme of Action, his delegation wished to know whether the High Commissioner planned to take any specific measures to advance the implementation of paragraph 17 of part II A of the Declaration.

20. He reaffirmed that Cuba was willing to participate in the intergovernmental process of restructuring the Centre for Human Rights. However, it supported the view of the Movement of Non-Aligned Countries that the restructuring of the Office of the High Commissioner and the Centre for Human Rights was ultimately a matter for the General Assembly to decide.

21. His delegation believed that greater importance should be accorded to the right to development. It wished to know what action the Office of the High Commissioner intended to take in preparation for and in support of the world conference on racism, racial discrimination, xenophobia and related intolerance, pursuant to the recommendation of the Commission on Human Rights.

22. The geographical distribution of the staff of the Office of the High Commissioner must be urgently brought into balance in order to ensure that nationals of the countries of the South were involved from the outset in the restructuring process.

23. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the representative of Gabon, said that she favoured a balanced approach to the two categories of human rights, particularly in Africa, and that such an approach could not but elicit a consensus. When she addressed the Second Committee, she would encourage it to further integrate the right to development in its deliberations. The fact that the issue would be considered in the context of the theme for the United Nations Decade for the Eradication of Poverty in 1998, "Poverty, human rights and development", should encourage a search for broader agreement and practical means of promoting the right to development.

24. Recognizing the universal nature of her role, she attached great importance to the equitable distribution of posts within her Office. She would make every effort to see that that principle was respected in filling the post of Deputy High Commissioner, and she had already invited additional candidacies for two senior management posts with a view to strengthening equitable geographical distribution.

25. Responding to the representative of Italy, she said that she intended to open a dialogue to persuade the two States which had not already done so to ratify the Convention on the Rights of the Child. She undertook to give wider publicity to the activities of the treaty-monitoring bodies. She was following closely the deliberations concerning the establishment of an international criminal court. She would ensure, in consultation with the non-governmental organizations, that the final text of the statutes of the court would include substantial references to human rights.

26. Replying to the representative of Cuba, she said that she attached great importance to the rationalization envisaged in paragraph 17 of part II A of the Vienna Declaration, and that she was working to that end.

27. **Ms. Kaba Camara** (Côte d'Ivoire) said that, while universal accession to the human rights instruments was important, a pragmatic attitude should be adopted with respect to their implementation. Her delegation believed that the international community must help to create a favourable environment for the respect of human rights, particularly in developing countries. It was necessary, inter alia, to strengthen cooperation for development, to combat poverty, to facilitate access by all to education, health, food and basic social services, to promote human rights through good governance and the rule of law, to give priority to the prevention of violations by strengthening national, subregional and regional institutions, and to promote human rights education. To that end, a regional cooperation unit should be established within the Office of the High Commissioner.

28. **Mr. Otuyelu** (Nigeria) said that, by emphasizing dialogue with Governments, the High Commissioner would iron out the differences over the realization of human rights. The expressed intention of the High Commissioner to serve as a moral voice for those excluded from society would enhance the credibility and authority of her office. While there was no doubt that she had a role to play as mediator and coordinator, a role which required absolute transparency and impartiality, he wished to associate himself with the representatives of Gabon and Côte d'Ivoire in underscoring the importance of technical assistance. He regretted that the debate had become politicized and expressed the hope that it would be resumed on a less partisan basis.

29. **Mr. Rasa Nushirwa** (Malaysia) said that there appeared to be a tendency to treat human rights and development as conflicting concepts. His delegation feared that the effect of linking the two might lead to imposing conditions on developing countries and might serve as a pretext for protectionism. It believed that the integration of human rights in development should be discussed with a view to averting that danger.

30. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the delegation of Côte d'Ivoire, said that one of her Office's priorities was to promote economic and social rights by strengthening institutions. She recalled that the Office had been given the responsibility of coordinating activities under the United Nations Decade for Human Rights Education launched in 1995 by the General Assembly. The year 1998 would be

very important in that regard because of the celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action. Also, the Office was not planning to set up a mechanism for cooperation with regional institutions at that stage, but it would continue to give the matter proper attention.

31. In response to the delegation of Malaysia, she observed that she was aware of the debate on the opposition between human rights and development. She thought the issue should be thoroughly discussed, in the knowledge that there was one view that gave precedence to economic and social rights and the right to development, and another to civil and political rights, but that all human rights were inseparable. Above all, care must be taken not to jeopardize those who most needed assistance if they were to exercise their right to development. The Second Committee and the Third Committee could jointly consider the question of the right to development from the dual viewpoint of human rights and of development.

32. **Mr. Baum** (Germany) said that he welcomed the efforts made by the High Commissioner to promote human rights on the basis of the Universal Declaration of Human Rights and the Vienna Declaration, in particular by integrating human rights into all the activities of the United Nations system, by striving to have the rights of the child and of women recognized and respected, by emphasizing economic and social rights and the right to education, and by seeking solutions to the problem of absolute poverty and its impact. He requested further information on what her Office was planning in connection with the two anniversaries in 1998.

33. **Mr. Winnick** (United States of America), underscoring the importance of cooperation with national institutions in promoting human rights, asked the High Commissioner what she planned to do to encourage Governments to cooperate with the Special Rapporteurs and act on their conclusions. Even though the ratification of the international human rights instruments was a worthy goal, it was still more important to ensure their implementation.

34. Without slighting the right to development, which was one of the inalienable rights of individuals, the United States believed that the observance of civil and political rights was an immediately realizable goal and that insufficient development could not be used as an argument to justify their violation. As the World Bank had indicated, the effectiveness of a State was a determining factor in development, and its effectiveness in turn depended on the citizens' confidence in the State.

35. He wondered what the High Commissioner intended to do to have the question of human rights integrated more fully into all activities of the United Nations agencies and the Bretton Woods institutions, the World Bank, the International Monetary Fund (IMF), as well as the regional development banks. The Office of the High Commissioner could play an important role in furthering gender equality both within the United Nations system and in the policies of Member States.

36. Work standards were more than ever a timely concern in the era of globalization, and there should be renewed efforts to protect children in particular.

37. **Mr. Strohal** (Austria) said that the two 1998 anniversaries would provide the occasion for reviving the impetus of Vienna and taking initiatives to translate it into practical action at the country level. Technical cooperation programmes should have closer ties to the human rights treaties and the activities of the treaty bodies, to the field presences of the Office of the High Commissioner and to the United Nations system in general. In the area of information, the website of the Office of the High Commissioner was admirable, and it could be used more extensively to promote human rights education and facilitate the practical preparations for the 1998 celebrations.

38. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the German delegation, said that each of the celebrations planned for 1998 had a distinct character and goals. The fiftieth anniversary of the Universal Declaration of Human Rights would provide an opportunity for reaffirming a commitment that would properly come under the heading of education. The Declaration was a living document, which must be reread in the context of the contemporary debate and could serve to promote human rights education in the context of the Decade.

39. As for the five-year review, it provided the occasion, five years after the Vienna Conference, for a thoroughgoing assessment. The non-governmental organizations would have an important role to play in that review, which would go on throughout the year, starting in the Commission on Human Rights, continuing in the Economic and Social Council and finally in the General Assembly.

40. In response to the United States representative, she said that she had begun to evaluate the technical cooperation activities of the United Nations system as a whole in the area of human rights. In the process, she would take stock of the accomplishments in terms of democratic institutions, the judicial apparatus, national human rights commissions and training programmes, and economic and social development, and assess what the United Nations had done to put the

Vienna Declaration into practice, especially with regard to the target groups. It would also be possible to determine to what extent the World Bank and the IMF were incorporating human rights and gender equality considerations in their activities. She had begun talks with those two institutions to encourage them to do so.

41. The web site was destined to be used more and more as a source of information, expertise and analyses. However, the resources of the Office of the High Commissioner were limited and the Office's main role must be to serve as a liaison and intermediary.

42. **Ms. Barghouti** (Observer for Palestine) reminded the Committee that the situation in the territories remained critical and noted that the Office of the High Commissioner had mentioned only Gaza. To limit the actions of the Office of the High Commissioner to Gaza would be contrary to its mandate, which extended to all of the occupied territories, including the West Bank and Jerusalem.

43. **Ms. Castro de Barish** (Costa Rica), emphasized the importance of integrating human development into economic and social development and expressed satisfaction at the relations which the High Commissioner proposed to establish with the Second Committee. Like the representative of Italy, she believed it was essential to achieve universal ratification of the Convention on the Rights of the Child.

44. She urged Member States to respond without delay to the proposal to increase from 10 to 18 the number of members of the Committee on the Rights of the Child. Concerning the proposal to merge six treaty bodies into a single committee, she wished to know which bodies would be affected and expressed the view that such a merger would be neither practical nor desirable.

45. **Ms. Morgan** (Mexico) said that a major part of the activities of the Office of the High Commissioner, which were based on international cooperation and dialogue, should consist of training, the exchange of information, support for technical infrastructure and institutional strengthening, together with the problem of migrant workers and the issue of the death penalty, which was applied in certain countries in defiance of international law. A global campaign for the right to life should be organized in 1998 under the direction of the High Commissioner for Human Rights.

46. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the observer for Palestine, explained that she had referred specifically to Gaza because the field office of the Office of the High Commissioner was situated there. Quite obviously, the mandate of the Office of the High Commissioner extended to the West Bank and Jerusalem. She had also sent one of her collaborators to the area to report on the situation there.

47. Responding to the representative of Costa Rica, she said that the debate on the right to development must be situated in the context of the theme which had been proposed for 1998, namely, "poverty, human rights and development".

48. A debate was under way on the effectiveness, funding and means of gaining recognition for the importance of existing human rights treaty mechanisms and bodies, whose effectiveness was a priority concern of the High Commissioner. She wished to underline the importance of human rights education, a subject that would be particularly topical in 1998. Many speakers had stressed the importance of training and technical assistance. The latter area would be addressed in the study scheduled to be completed in 1998. The fate of migrant workers was also a priority problem for the Office of the High Commissioner. All the statements made had underscored the importance of the commemoration activities in 1998, which would provide an opportunity to update and renew commitments and to define a comprehensive human rights policy.

49. **Mr. Chang Beom Cho** (Republic of Korea) commended the High Commissioner for her efforts to strengthen links with the field and her proposal to restore balance to the geographic distribution of high-level posts in the Office of the High Commissioner.

50. The High Commissioner had rightly stressed the universality of international human rights instruments. It was for the Office of the High Commissioner to ensure that the spirit of those instruments was incorporated into the legislation and practice of States.

51. He was concerned at certain proposals which might jeopardize the integrity of the international human rights system and stressed that it was for the Office of the High Commissioner to preserve that integrity. The Office should seek to diversify its donor pool and to attract voluntary contributions.

52. **Mrs. Chigaga** (Zambia) welcomed the High Commissioner's stated intention to establish more effective links and relations among all regions and to strengthen confidence in the Office of the High Commissioner. Attaching the same importance to economic, social and cultural rights and to the right to development as to civil and political rights would help to bridge the differences between North and South. She wondered whether some institutional arrangement was planned to promote the rights of women

and whether the Office of the High Commissioner was represented on the Inter-agency Committee on Women and Gender Equality.

53. **Mr. Rogov** (Russian Federation) underscored the importance of dialogue in the promotion of human rights and said that he wished to refer to two problems: the right to citizenship and the right of minorities. To arbitrarily deprive persons of their citizenship was tantamount to depriving them of all their rights. Since children were also victims, it also violated the Convention on the Rights of the Child. He wondered how the Office of the High Commissioner intended to protect the rights of minorities and to strengthen the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

54. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the representative of the Republic of Korea, agreed that there was a need to ensure the integrity and effectiveness of the international human rights machinery. She thanked the Republic of Korea for its support for the development of the web site and database of the Office of the High Commissioner. She was trying to mobilize increased contributions not only in order to improve the financial situation of the Office but also because it was one way of reaffirming its universality and an expression of confidence in it. In order to work effectively, the Office of the High Commissioner needed effective services in Geneva and the support of Governments.

55. Replying to the representative of Zambia, she acknowledged that there were differences between the regions; she fully expected that the two events in 1998 would help her not only to strengthen relations but also to overcome such differences. Those events offered an opportunity to prepare a brighter future for coming generations. In doing so, it was necessary to put the two types of rights on an equal footing and to try to seek a consensus.

56. Her Office was represented on the Inter-Agency Committee on Women and Gender Equality; she looked forward to meeting a representative of that Committee and intended to support its work. She agreed with the representative of the Russian Federation that the rights of minorities were important, and encouraged him to pursue a dialogue on that subject.

57. In general, she was pleased to be able to collaborate with the Third Committee. Given her Office's limited resources, she believed that dialogue and personal relations were critical to implementing effective action in the area of human rights.

58. **Mr. Ali Hachani** (Tunisia) said that his country was party to most of the human rights instruments established under the auspices of the United Nations and noted that, under the Tunisian Constitution, conventions took precedence over all other laws. Tunisia, which had been following a path towards democracy and development for about 10 years, had undertaken a series of reforms aimed at consolidating democracy and pluralism and promoting human rights, in accordance with the provisions of the international instruments to which it was a party. It had established a constitutional council in 1987 and had amended its criminal and civil codes, strengthened measures to combat gender discrimination and improved its legislation governing nationality, administration, labour, protection of the elderly and minors, the treatment of juvenile offenders and detention; it had also banned forced labour. In 1995, his Government had enacted a child welfare code and had established machinery for its implementation. In the area of civil liberties, an act on the organization of political parties had been adopted and the electoral code had been amended in order to increase the participation of the opposition in legislative decisions and encourage pluralism. A regulatory board for communications had been established and steps had been taken to protect journalists against any oversight of or interference in their activities and to ensure freedom of expression and opinion. The Tunisian Government had established a supreme council on human rights and fundamental freedoms, and had made a substantial contribution to the work of the Coordinating Committee for national institutions, as indicated in document A/52/468.

59. Tunisia had introduced human rights education at all levels of its educational system and had established, in March 1995, a National Committee for Human Rights Education as part of the implementation of the Plan of Action for the United Nations Decade for Human Rights Education. The Office of the United Nations High Commissioner for Human Rights had drawn the Tunisian plan in preparing the national plans of action for human rights education.

60. Despite the progress made in the field of human rights, it must be acknowledged that intolerance and poverty had not vanished and continued to jeopardize achievements. However, tolerance was one of the key values of Tunisia's religious, social and historical traditions. Tunisia's contribution to the emergence of a climate of tolerance at the regional and national levels had resulted in the adoption, in 1995, of the Carthage Pact for Tolerance as part of the United Nations Year of Tolerance; the Charter's aims included strengthening cooperation among countries of the Mediterranean basin. Tunisia's efforts in that area should

also lead to the establishment of a chair for Mediterranean cultural dialogue and a chair for tolerance and human rights, with the cooperation of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

61. Tunisia had welcomed the Declaration on the Right to Development, adopted by the General Assembly in 1986, and the Vienna Declaration and Programme of Action, which established the right to development as a human right. The realization of the right to development required equitable economic relations between States and a favourable economic climate, with United Nations bodies and specialized agencies playing a key role in that regard.

62. **Mr. Valencia** (Ecuador) recalled that human rights, together with peace and development, were the three key ideas behind the establishment of the United Nations, and deplored the poor progress achieved in that area. Impunity, racism, xenophobia, discrimination against women, ethnic and religious intolerance, mass exoduses, the problem of refugees, armed conflicts, terrorism and the breakdown of the rule of law threatened international peace and security as well as economic and social development. As the Secretary-General had noted in his report entitled "Renewing the United Nations: A Programme for Reform" (A/51/950), the protection of human rights was one of the Organization's basic tasks. International cooperation to ensure respect for those rights should be based on five basic principles: government accountability; efforts by the international community to promote greater respect for human rights and prevent violations thereof; the indivisible nature of human rights; the complementarity of the various international mechanisms for the protection of human rights; and the involvement of national institutions, non-governmental organizations, academic institutions and the public at large in international efforts to promote human rights.

63. Referring to the Vienna Declaration and Programme of Action, which stressed that human rights were indivisible while acknowledging that national particularities needed to be borne in mind, he compared it to the declaration issued by the ministers of foreign affairs of the Movement of Non-Aligned Countries on 8 April 1997, which urged States to include in their constitutions and legislation, as soon as possible, guarantees concerning the unfettered enjoyment of human rights.

64. The right to development should neither be defined as the sum of civil, political, economic, social and cultural rights nor confused with development itself. While it was the duty of States to ensure enjoyment of the right to development, it was nevertheless the duty of the international community, under the guidance of the United Nations, to act out of a sense of solidarity to assist Governments in that undertaking. The periodic meetings of the chairpersons of treaty bodies were important in order to prevent duplication of efforts, pool resources and strengthen cooperation. His delegation endorsed most of the recommendations put forward by the chairpersons. In particular, it favoured reforming the reporting system and merging the treaty bodies. The meetings of States parties to treaties should be dedicated not only to electing new members of the treaty bodies, but also to formulating guidelines for improving the effectiveness of those bodies.

65. His delegation supported the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance not later than 2001.

66. Broad participation in the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights should promote awareness of the fact that respect for human rights was consistent not only with the hopes and aspirations of all peoples, but also reflected their basic interests and legitimate concerns. That celebration would provide an opportunity to assess progress made in implementing the Vienna Declaration and Programme of Action and in updating human rights programmes.

The meeting rose at 12.55 p.m.